

**6/2/2005 Alec Kotopoulos**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN R. KINCAID,

)

)

Plaintiff,

)

)

vs.

) CIVIL ACTION NO.

)

04-11522-WGY

BANK OF AMERICA CORPORATION,

)

)

Defendant.

)

)

D E P O S I T I O N

OF

ALEC KOTOPOULOS

At Charlotte, North Carolina

June 2, 2005

Reporter: Christine A. Taylor

Notary Public

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A P P E A R I N G

For the Plaintiff: DAVID J. FINE, ESQ.

Law Offices of David J. Fine

Suite 400

Three Center Plaza

Boston, Massachusetts 02108

For the Defendant: RICHARD F. KANE, ESQ.

McGuireWoods, LLP

Suite 2900

100 North Tryon Street

Charlotte, North Carolina 28202

Also Present: Steven Kincaid

\* \* \* \* \*

I N D E X

PAGE

Examination By Mr. Fine

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E X H I B I T S

(No exhibits were marked.)

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1           This is the deposition of ALEC KOTOPOULOS, taken  
2           in accordance with the Federal Rules of Civil Procedure  
3           in connection with the above case.

4           Pursuant to Notice, this deposition is being taken  
5           in the Law Offices of Hamilton, Fay, Moon, Stephen,  
6           Steele & Martin, 2020 Charlotte Plaza, 201 South College  
7           Street, Charlotte, North Carolina, beginning at 9:08 a.m.  
8           on June 2, 2005, before CHRISTINE A. TAYLOR, Notary  
9           Public.

10           ALEC KOTOPOULOS, upon first being duly  
11           sworn, testified as follows:

12                   EXAMINATION BY MR. FINE

13           Q.    Please state your full name.

14           A.    Alec Kotopoulos.

15           Q.    Could you spell the last name?

16           A.    K-o-t-o-p-o-u-l-o-s.

17           Q.    Where do you reside?

18           A.    In Charlotte, North Carolina.

19           Q.    How are you employed?

20           A.    I'm not.

21           Q.    When is the last time you were employed?

22           A.    With Bank of America. So that would have  
23           been 2004.

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1 Q. When did you leave the bank in 2004?

2 A. February.

3 Q. What were the circumstances of your leaving?

4 A. Merger.

5 Q. Who merged with whom?

6 A. Fleet and Bank of America. Bank of America  
7 bought Fleet.

8 Q. And at the time of the merger various people  
9 at Bank of America were let go?

10 A. That's my understanding.

11 Q. Did you receive a severance package?

12 A. I received a package. I was offered a  
13 package and accepted the package.

14 Q. What were the terms of the package?

15 A. That's private between the bank and I.

16 Q. Well --

17 A. There were monetary, if that's what you're  
18 asking.

19 Q. Well, you're being called to testify as a  
20 witness in this case and the financial terms would be  
21 potentially relevant to your bias in the case, so I  
22 think that it is a fair subject of examination.

23 MR. KANE: Bias to?

24 MR. FINE: How he feels about the bank. If  
25 he got a good severance package, he might be more

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1 inclined to testify in the bank's favor.

2 MR. KANE: What details do you want from him?

3 I want to know how far you're going with it.

4 MR. FINE: I want to know what the elements  
5 of the severance package were. If the bank is giving  
6 Mr. Kotopoulos two years salary, I want to know that,  
7 and I want to know what the salary was. And if in  
8 addition to that they're giving him other  
9 consideration, I want to know that. And if he has an  
10 agreement to consult with the bank, I want to know  
11 that.

12 MR. KANE: Okay. At this point it's your  
13 decision, but I don't see any harm in it.

14 THE WITNESS: Well, financially, I was  
15 offered -- it was something over \$100,000. I think it  
16 was a hundred -- I don't remember exactly. Call it  
17 \$125,000, somewhere around that.

18 BY MR. FINE:

19 Q. How did that compare with your yearly salary  
20 at the time?

21 A. I think my annual salary was \$175,000 base  
22 salary.

23 Q. And in addition to the \$125,000, were there  
24 any other elements of the severance package?

25 A. I was able to cash out of some options, you